

From: Ottinger, Elizabeth [Ottinger.Elizabeth@epa.gov]
Sent: 8/1/2017 1:26:18 PM
To: Vicenty-Gonzalez, Juan [jvicentyg@pa.gov]; Patel, Pravin [prpatel@pa.gov]
CC: sefurjanic@pa.gov; Trulear, Brian [Trulear.Brian@epa.gov]
Subject: Philadelphia MS4 permit
Attachments: DRAFT-PhillyMS4Permit wEPAcomments7-28-17.docx

Juan and Pravin,

This email contains EPA's comments on the draft MS4 permit for the City of Philadelphia. I have also attached a marked version of the permit that contains additional comments imbedded within the document itself.

1. Will the information from DEP's fact sheet be conveyed with the final permit as the required fact sheet in compliance with 40 CFR 124.8? DEP is reminded that a fact sheet is required to be issued with the final permit that documents the rationale for the decisions made in the permit.
2. The permit contains a number of vague requirements. There should be more specificity contained in this individual permit. The marked version of the permit contains comments where specificity is needed in the permit.
3. There are a number of instances in the permit where the term "will" is used instead of "shall". In order for the permit to be enforceable, the latter term must be used. The marked version of the permit attempts to correct this inaccuracy.
4. There are a couple instances where requirements for the CSO portion of the City's system or wastewater treatment plant conditions are included in the draft permit. This permit regulates the MS4 portion of the City only. The permit should not contain requirements for any parts of the sewer system other than the MS4 as this permit is not the appropriate mechanism to control those discharges.
5. Street Sweeping and Inlet Maintenance requirements in Part C.V.F must be revised to include actual numeric requirements that meet the MEP standard. This is an individual permit and PADEP, as the permitting authority for the City, should review relevant data to determine what is practicable for the City to perform in this permitting cycle. It is not up to the permittee to determine its own permit requirements.
6. The entire section titled Litter Control Program in Part C.V.F.d contains references to sections that do not mention any specific trash practices in them. This section should be revised and the sections it references should be reviewed for accuracy with what the Litter Control Program section states should be contained in them.
7. It is recommended the term "Annual MS4 Status Report" be used consistently throughout the document to refer to the required annual reporting mechanism. The marked version of the permit attempts to edit the document in the appropriate circumstances.
8. There are numerous references in the permit to "ordinances or SOPs". SOPs are required for non-municipal entities that do not have the authority to adopt ordinances. Since the permittee is the City

of Philadelphia, the marked version of the permit has removed all references to SOPs as an alternative to ordinances.

9. Appendices C and D state that PRPs and TMDL Plans are approved upon PADEP's issuance of the permit. While this may be accurate for small MS4s that are required to submit plans with their application, since this is an individual permit and an application was submitted by the permittee prior to its permit expiring, this statement is not applicable.
10. Appendix F contains the statement in Part A that the permittee shall meet at least one of the objectives listed in A.1 and A.2. However, the two objectives seem to be contradictory. One states that pollutant load reductions to comply with WLAs in TMDLs shall be achieved; the other states that reductions of 10% and 5% for sediment and phosphorus shall be achieved. How can either of these be acceptable for the City to achieve compliance? PADEP's expectations for this Appendix should be clarified.

Please do not hesitate to contact me if you have any questions or would like to discuss anything further.

Thanks,
Liz

Elizabeth Ottinger
NPDES Permits Branch (3WP41)
EPA Region III
1650 Arch Street
Phila., PA 19103
215-814-5783
ottinger.elizabeth@epa.gov